IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11091 of 1995

Between:

1. K.Ramaiah, S/o.Late Narappa, cultivator
   R/o.Khajipuram Kottala, Alur Taluk,
   Kurnool Dist.
2. K.Ramanjaneyulu, S/o.K.Narappa, cultivator
   R/o.Khajipuram Kottala, Alur Taluk,
   Kurnool Dist.

.. PETITIONERS

AND

1. Revenue Divisional Officer,
   Adoni, kurnool.
2. Mandal Revenue Officer,
   Chippagiri, Kurnool District.
3. Mandal Revenue Officer,
   Tadapatri, Ananthapur Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to refrain from taking the Possession of the lands in pursuance of the orders in CC.No.2811/ALR/75 of the Land Reforms Tribunal, Adoni, Kurnool Dist. by declaring the said action of the respondents is illegal, improper, arbitrary and without jurisdiction by holding that the petitioners' joint family has no excess land under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act,1973 with a consequential direction to the respondents herein to restore the lands possession which was already taken to the petitioners herein.

Counsel for the Petitioner: SMT.K.SESHARAJYAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed questioning the orders in C.C. No.2811/ALR/75 dated 11-1-1977 holding that the family unit of the declarant holds an extent of land equivalent to 0.5820 Standard Holdings in excess of the ceiling area and he shall surrender under section 10 (1) of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973.

This Court while admitting the writ petition granted interim stay of delivery of possession of the excess lands in pursuance of C.C. No.2811/ALR/75 by order dated 14-6-1995.

A counter affidavit was filed by the first respondent denying the allegations made in the writ petition and stating that the Verifying Officer has published Form IV notice in the villages by beat of tom tom on 7-11-1975, calling for objections from the interested parties and after recording statements and conducting enquiry passed orders on 11-7-1977. It is also stated that in order dated 11-7-1977 the plea of the adoption of Ramaiah by the declarant was rejected on the ground that the said plea was not supported by any documentary evidence. It is further stated that the declarant's unit was computed as 1,5820 standard holdings and after leaving the standard holdings of 1,0000, the declarant was directed to surrender the excess of 0.5820 standard holdings and that the same was surrendered by 24-10-1994. The details of the shares allotted to the family members was also furnished.

Learned Government Pleader for Revenue submitted that in view of surrender of the excess holdings and in view of the rejection of plea of adoption, no further orders are required to be passed in the present writ petition and the matter has become infructuous.

Learned counsel appearing for petitioners reported "no instructions" from the petitioners.

In the circumstances, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J

Date: 13-09-2004

LSK/TVK

ASSISTANT REGISTRAR

To

1. The Revenue Divisional Officer,
   Adoni, kurnool.
2. The Mandal Revenue Officer,
   Chippagiri, Kurnool District.
3. The Mandal Revenue Officer,
   Tadapatri, Ananthapur Dist.

4. Two C.Cs. to the Government Pleader for Revenue,

High Court Buildings, Hyderabad.

5. Two C.D. copies.